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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/651,983

Filing Date: August 31, 2000

Appellant(s): GASPER ET AL.

Gregory A. Welte
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 3/28/2006 appealing from the Office action mailed 8/01/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US Patent No. 6,378,770	4/30/2002	Clark et al.
US Patent No. 5,945,602	8/31/1999	Ross

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the appellant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the appellant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Clark et al. (US Patent No. 6,378,770).

Appellant's representative argues that in the system of Clark et al., where it is stated that "An updated ATM status report based on the input data is sent to the host computer in step 138...", suggests the input data indicating the type and the number of bills replenished are inputted by an operator whereas in their claimed invention, such is generated "without using communications from parties performing the replenishment" and argues that Clark et al do not teach their claimed invention.

In response, step (d) of claim 1 recites "using the replenishment signals, and without using communications from parties performing the replenishment, preparing one, or more, reports concerning the ATMs replenished". This claimed limitation is directed to the preparation of one, or more reports, concerning at least one replenished ATM using received replenishment signals. This claimed limitation is emphasizing on who or what party or entity is preparing the

one or more report. In order to prepare the one or more report, replenishment signals must be present. The appellant's step (d) of claim 1 does not recite how the replenishment signals are received and who or what entity or where the one, or more, reports concerning the ATMs being replenished are being prepared. The claim merely recites in preparing the one, or more, reports concerning the ATMs replenished, communications from parties performing the replenishment are not involved.

In the system of Clark et al, "the one, or more, reports concerning the ATMs replenished" are generated at the ATM or at the central computer wherein further communications from parties performing the replenishment are not necessary after the replenishment signals are received at the central computer from the replenished ATMs.

Appellant's step (c) of claim 1 recites:

"receiving replenishment signals from the replenished ATMs". Who, or what entity or what party is receiving the replenishment signals from the replenished ATMs are unclear and are not recited in the claims. Furthermore, the claim does not recite without using the replenishment signals from parties performing the replenishment, preparing one, or more reports concerning the ATMs replenished as appellant is arguing. The claim recites without receiving communications from parties performing the replenishment, preparing one, or more, reports concerning the ATMs replenished. Thus, this claimed limitation is met whether the replenishment signal is received from the ATMs or from an operator replenishing the ATMs.

Clark et al positively recite that an "operator is requested to input data concerning the full cassettes 40 to be inserted in the ATM, [the full cassettes imply cassettes loaded with bank notes of at least the same or different denomination] including a cassette identification code and the

amount and denomination of the currency notes contained in the cassette before access to the cassette compartments 42 of the ATM is allowed. This data is input by the operator via the key pad 27 of the operator panel 26 in step 136 and is stored in the memory 34 of the ATM 10". Based on this passage of Clark et al, the claimed step of "causing replenishment of currency in low-stocked ATMs to occur" is met. The replenishment signals are used in creating the report. The replenishment signals are taught in Clark et al where it is stated that "The balance of notes in each cassette 450 can therefore be updated during subsequent transactions involving from that particular cassette 40", and that "An updated ATM STATUS REPORT based on the input data is sent to the host computer in step 138". The phrase "based on the input data" does not imply only the input data. Also, while the report is generated, communications from any parties are not considered or do not take place. See column, lines 40-53 of Clark et al.

Clark et al also teach on column 7, lines 6-19 of an automatic identification of low-stocked ATMs which require replenishment of currency and that replenishment is done as stated on column s 5 and 6. Clark et al further state that during a replenishment session or option, "the ATM controller unit 30 sends an ATM STATUS REPORT to a host computer and a copy may be printed out for the operator...". Thus, the operator does not create the status report. The status report is generated or prepared for the operator. Similarly, the report which is based on the input data is generated for the operator, not by the operator. The input data is not the replenishment signal but the balance of notes stored in memory is. The balance of each note involves the balance of each full cassette and the balance of each cassette present before access to the cassette compartments 42 of the ATM is allowed since Clark et al teach that notes are automatically transferred from one storage to another storage compartment so that an operator

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may load a fully loaded compartment (column 5, lines 12-24) to avoid the operator from carrying or taken out cassettes or storage compartments having a substantial amount of currency (column 6, line 60 to column 7, line 7) for security purposes. Recordation of the automatic transfer of notes is performed by a processor. See column 6, lines 32-40 of Clark et al. These balance notes are stored and received from memory for the preparation of the status report for later transmission to the host computer. Column 6, lines 40-53 of Clark et al.

As per claim 2, each replenishment signal is generated by computer within an ATM. See columns 5 and 6 of Clark et al.

As per claim 3, the replenishment signals indicate contact with an ATM by a party other than a customer in the normal course of business. See also columns 5 and 6 of Clark et al.

As per claim 10, Clark et al teach the identifying process of paragraph (a) is performed by a system remote from the ATMs without the presence of a human at the ATMs. See column 7, lines 7-18 of Clark et al.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al. (US Patent No. 6,378,770).

As per claim 4, appellant's representative argues that Clark et al fails to teach or suggest "wherein entry into an ATM by a burglar causes a replenishment signal to occur".

In response, As per claim 4, the teachings of Clark et al are discussed above.

Clark et al do not explicitly teach an entry into an ATM by a burglar causes a replenishment signal to occur. As per this limitation, the Examiner notes that an entry into an ATM by a burglar would mostly likely be a theft causing funds or currency to be reduced. Clark et al teach means or step for detecting a low-level condition of empty cassettes that usually contains currency. Clark et al also teach re-stocking low-stocked ATMS. It would have been obvious to one of ordinary skill in the art at the time of the invention to note that an entry into an ATM by a burglar would cause a replenishment signal to occur because the ATM would be in a low-stocked status which would therefore trigger a low-stock signal to occur so as to inform an operator or the remote computer of a need to re-stock the related ATM.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ross (US Patent No. 5,945,602) in view of Clark et al. (US Patent No. 6,378,770).

As per claim 5, appellant's representative argues that Ross only shows a single ATM and then concludes that Ross does not teach a network of ATMs.

As per claim 5, Ross discloses a system for managing the operation of a network of ATMS. See the abstract. Each ATM includes a plurality of sensors for maintaining a security of the ATM. The sensor detects a wide range of malfunctions and/or

abnormalities (see column 8, lines 5-8). The Ns and break-ins are well known activities that occur in ATM's. Using these sensors for detecting an entity and issuing an entry signal in response would have been obvious to do in the system of Ross because Ross uses a variety of sensors for detecting abnormal types of operations and send a signal to a remote computer which would then notifies the police.

Ross does not explicitly teach scheduling replenishment of a group of ATMS during a time period. The Examiner asserts that most ATMs dispensing cash to customers should routinely be replenished. See column 7, line 49 to column 8, line 4. If there exists a plurality of ATMS, then scheduling for a replenishment of a group of ATMS during a time period would have been obvious to one of ordinary skill in the art thereby maintaining a priority for the ATMs having less funds or ATM'S which are more depleted, and also to avoid conflicts in the replenishment of the one or more ATMS.

Designating the corresponding ATMS as having been replenished in currency is not explicitly taught by Ross. Clark et al disclose a system and method for replenishing an ATM. The system comprises replenishing an ATM and designating the corresponding ATM as having been replenished in currency. See column 6, lines 40-53 of Clark et al. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Clark et al into Ross in order to provide the status or accurate report of a replenished ATM so that unnecessary trips to replenish an already replenished ATM are not made.

Ross's only showing of a single ATM is for an illustration purpose. Furthermore, it is well known in the art that banks usually consist of a plurality of ATMs connected through a

network and a central computer. Appellant's argument that Ross is directed to a single ATM is not convincing and would not be financially advantageous to the owners of the system of Ross.

Appellant's various arguments of the locations of a plurality of ATMs are not convincing since banks usually own a plurality of ATMs located at various locations. These ATMs include various sensors for detecting illegal activities.

Claims 6, 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable Clark et al. (US Patent No. 6,378,770) in view of Ross (US Patent No. 5,945,602).

As per claim 6, Clark et al disclose a system and method for replenishing one or more automatic teller machine (ATM). See the abstract. In the drawings of Clark et al, only one ATM is shown. The Examiner notes that such is merely for illustration purposes. The Examiner asserts that a bank usually comprises a plurality of ATM's connected to a central computer.

Clark et al teach a serviceman obtains a report on the identification of empty cassettes and cassettes for which a low-level condition is detected. Thus, from this passage, since the actual amount for replenishment is not stated, the serviceman thus makes an estimate of the amount of currency stored in each cassette without measuring the currency presently stored. Any low-stocked ATM must be re-stocked with currency. The serviceman would need currency to re-stock these low-stocked ATMs and therefore a packet of currency must be prepared to re-stock the low-stocked ATMs. If the serviceman is in a different area, then transferring the packets to a courier would have been obvious to the skilled artisan in order to provide the serviceman with the needed currency to reload or restock the low-stocked ATMs.

Clark et al. further teach one or more signals from an ATM, which indicate interaction with the ATM by a party other than a customer. Note column 5, line 64 to column 6, line 7.

Clark et al do not explicitly teach recording the times of receipt of the signals and the identities of the ATMs issuing the respective signals and ascertaining whether the signals were issued by an ATM within the subset and if not contacting a law enforcement agency.

Recording the times of receipt of the signals would have been obvious to one of ordinary skill in the art to do in the system of Clark et al in order to note the time an operator is interacting with the ATM and/or to note elapsed time period without replenishment or usage of the ATM. Further reasons to record the identity of the ATM issuing the respective signals would have been to acknowledge which ATMs is or should be replenished.

Ross discloses contacting a law enforcement agency in the event of an abnormality or malfunction. See column 8, lines 14-26 of Ross. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the feature of contacting a law enforcement agency as taught by Ross into the system of Clark et al in order to deter tampering with the ATM system, thereby increasing the security of the ATM system.

Adjusting the estimate of the currency stored within that ATM in the combined teachings of Clark et al and Ross would have been obvious to one of ordinary skill in the art to do in cases where the operator notes that the ATM currency level is more below the level at the time the estimate was made. Adjusting the estimate of the currency stored within that ATM would have also been obvious to one of ordinary skill in the art to do in the combination of Clark et al and Ross whenever the ATM is newly re-stocked. The motivation would have been to confirm the amount being replenished for inventory and tracking purposes.

As per claim 7, in the combined teaching of Clark et al and Ross, a replenishment signal is automatically transmitted to a remote site. Thus, no person directly reports a replenishment supply of an ATM. See column 5, line 65 to column 6, line 7 and column 6, lines 40-53 of Clark et al.

As per claim 9, in the combined teaching of Clark et al and Ross, no communications, made by parties performing the replenishment are utilized in preparing the report. See column 5, line 65 to column 6, line 7 and column 6, lines 40-53 of Clark et al.

Claims 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al. (US Patent No. 6,378,770).

As per claim 8, Clark et al disclose a system and method for replenishing an automatic teller machine (ATM). See the abstract. In the drawings of Clark et al, only one ATM is shown. The Examiner notes that such is merely for illustration purposes. The Examiner asserts that a bank usually comprises a plurality of ATM's connected to a central computer.

Clark et al do not explicitly teach generating a list of:

ATMs scheduled to be replenished in currency and the amounts of currency to be replenished in each.

The Examiner asserts that most ATM's dispensing cash to customers should routinely be replenished. See column 7, line 49 to column 8, line 4. If there exists a plurality of ATMs, then generating ATMs scheduled to be replenished in currency and the amounts of currency to be replenished in each ATM would have been obvious to one of ordinary skill in the art thereby

maintaining a priority for the ATM's having less funds or ATM's which are more depleted, and also to avoid conflicts in the replenishment of the one or more ATMs.

Clark et al further teach receiving signals from an ATM that indicates that entry into an ATM has occurred by having the ATM transmitting a signal to a remote terminal and based on the signals, preparing a report. See column 6, lines 40-53 of Clark et al. Clark et al do not explicitly state the report includes the ATM scheduled for replenishment, the ATM actually being replenished and the amount of replenishment for the ATM. As per these limitations, the Examiner notes that in the system of Clark et al, one or more ATM is being replenished with an amount of currency, and a record of the notes is stored in memory of the ATM and is also transmitted to a host computer. See column 6, lines 30-53. Having the same information in the report would have been obvious to one of ordinary skill in the art to include therein. The motivation would have been to confirm the amount being replenished for inventory and tracking purposes.

As per claim 11, the report is generated after the signals are received. See column 6, lines 40-53 of Clark et al.

(10) Response to Argument

Appellant argues that Clark et al do not teach claim 1d).

The Examiner disagrees with the appellant's clarification of claim 1, particularly step 1d.

It should be noted that the manner in which the report is prepared by the ATM of the claimed invention is similar to the steps taken in the system and method of Clark. In the system of claim 1, appellant states that a technician replenishes currency because a technician replenishes the ATM thereby reading claim 1b as "causing replenishment of currency in low-stocked ATMs".

It is noted that in the system of Clark, a low-stocked ATM requiring replenishment of currency is detected (see column 5, lines 45 to column 6, line 7, particularly at column 6, lines 2-7 of Clark). Clark then states that "the operator is requested to input data concerning the full cassettes 40 to be inserted in the ATM, including a cassette identification code and the amount and denomination for the currency notes contained in the cassette before access to the cassette compartments 42 of the ATM is allowed". See column 6, lines 40-48. As described by the appellant on page 13, in both the claimed invention and the system of Clark, an operator replenishes the ATM with currency in the same manner. Appellant states that in their system the central computer assumes that the technician loaded the proper amount of cash into the ATM. The central computer adds that amount to the previously estimated amount to produce a current estimated total within the ATM. That total is part of the "report" of claim 1(d). Appellant then states that the technician provided no input to the report, and hence "No communication" from the technician is found in the content of the report".

The Examiner disagrees with the appellant as the language of claim 1 recites similar functions performed by Clark. The replenished amount as stated by the appellant in regard to

their invention is added to a previously estimated amount that will be used in preparing a report. Similarly in the system of Clark, the inputted amount is considered in preparing the report. However, it should also be noted that in both the claimed invention and the system of Clark, the operator does not prepare the report. In the system of Clark as noted specifically on column 6, lines 50-53, it is stated “An updated ATM STATUS REPORT based on the input data is sent to the host computer in step138”. Similarly, as explained by the appellant, the inputted amount is added to the previously estimated amount to produce a current estimated total within the ATM.

Appellant then argues that the input data is obtained from the technician who inputted data into the ATM whereas the claim states “using the replenishment signals”.

In response, the replenishment signal of both the appellant’s claim 1 and the system of Clark is the amount inputted by the technician. In the appellant’s claim 1, the inputted signal is added to a previous sum and is used in preparing a report. In the system of Clark, the inputted amount is stored as a signal in the memory 34 of the ATM 10 to be used in preparing a report. Thus, in both the claimed invention and the system of Clark, the replenishment signal is used “without using communications from parties performing the replenishment” to prepare one or more reports concerning the ATMS replenished.

Appellant then argues that Clark discusses no mechanism or device that can generate the ATM STATUS REPORT automatically. In response, the Examiner disagrees because functions of generating an ATM STATUS REPORT automatically is not present in claim 1. Furthermore, in claim 1, it is unclear as to what or who is preparing the report where as in Clark, it is clearly

indicated that the ATM controller transmits a status report to a host computer. See column 6, lines 50-52 and column 5, lines 65 to column 6, line 10 of Clark.

Appellant then argues that claim 1(c) recites “replenishment signals”, and that column 6, lines 50-53 is absent of such a teaching.

In response, on column 6, lines 46-53, it is indicated that an operator inputs the replenishment amount and that amount is stored in memory of the ATM 10. This is similar to the claimed replenishment signal. On lines 50-53, it is stated that the input data (being the replenishment signal) is used to prepare the report.

Appellant then argues that, the examiner has stated that it is unclear as to who prepares and who does not prepare the report and state, thus providing a contradictory statement and the entity preparing the report is irrelevant as such is not claimed.

In response, it is noted that no party is being claimed to prepare the report.

The appellant then states that the question is whether communications from the operator went into the status report as in their claim 1(d).

In response, in the appellant’s claim and analysis of their claim 1 on page 13 of their Brief, appellant has stated “A technician replenishes currency as in claim 1(b)....transmits the signal to a central computer and the central computer treats that signal as the replenishment signal of claim 1(c)”. That signal is used in preparing the report. Thus, from this passage it appears that the appellant contradicts the explanation of their claimed invention with their instant claim 1 since claim 1 recites “without using communications from parties performing the

replenishment" to prepare one or more reports concerning the ATMs replenishment. Here, the technician causes the report to be prepared.

Appellant then states that the PTO asserts that the replenishment signals are issued by a computer within Clarks ATM that is inconsistent.

In response, the operator of Clark enters the replenishment signal and such is stored as a signal in the memory of the ATM 10, thereby resulting as replenishment signals. The ATM then updates the ATM data and transmits an ATM STATUS report to a host computer.

Appellant then argues that regarding claim 2:

"In rejecting claim 1, the Final Action, page 4, fourth sentence, states that the keypad input of the technician in Clark shows the "replenishment signals" which is contrary claim 2 because the previous Office Action (mailed February 10, 2005), page 3, stated that, in Clark, replenishment signals are generated by the operator who makes the replenishment." .

In response, the operator of Clark enters the replenishment signal and such is stored as a signal in the memory of the ATM 10, thereby resulting as replenishment signals. The ATM then updates the ATM data and transmits an ATM STATUS report to a host computer.

As per claim 3, appellant argues that the Office action cites columns 5 and 6 to show claim 3 and that after a careful analysis, the appellant states that the appellant cannot find where in Clark such a feature is recited.

In response, both columns 5 and 6 recite that the technician in contact with the ATM inputs a replenishment amount in the ATM as such is stored in the memory of the ATM 10. Appellant is directed to column 5, lines 45-66 and column 6, lines 40-53 of Clark.

As per claim 4, an entry into an ATM by a burglar would cause a replenishment signal to occur since funds stored in the storage cassette would have been depleted. Clark et al also teaches that once the fund is reached a low stocked level, a low level of fund would be indicated. See column 7, lines 8-18. A need for replenishment would have been obvious to one of ordinary skill in the art to do in order to make funds available to honest patrons desiring to use and withdraw funds from that ATM.

As per claim 10, appellant argues that Clark does not teach the limitation of claim 10 because Clark states that, when a low-level signal is produced, the contents of the cassette are dumped into an auxiliary storage device and that their claim 10 states that the identification (of low-level ATMS).

In Clark, on column 7, lines 7-17 of Clark, it is stated that “the residual contents of the cassettes 40 are automatically emptied and transferred to the auxiliary storage device 54, immediately a low level condition for a particular cassette 40 is detected...the magnetic sensor may be arranged on the ATM controller 30 programmed to provide a low level indication when the balance of notes reaches any predetermined value”, and on column 5, line 57 to column 6, line 9, it is stated that “the ATM controller sends an ATM STATUS REPORT to the host computer and a copy is printed out for the operator.

As per claim 6, appellant argues that Clark does not teach or suggest step (b), which is using the estimates, identifying a subset of ATMs to be re-stocked with currency.

In response, the Examiner disagrees because in an ATM system, there usually exists a plurality of ATMs, and funds in some of the ATMs would be depleted as customers are withdrawing funds from the ATMs. As the funds are depleted there would be a need to replenish the depleted ATMs. Then identifying a subset of ATMs to be re-stocked with currency would have been obvious to one of ordinary skill in the art of banking to note and do. In order to refill or replenish the depleted ATMs that are noted to be depleted, it would have been obvious to one of ordinary skill in the art to allocate funds or prepare a packet of currency to replenish them since the ATMs cannot be replenished by themselves or without inserting cassettes with currency notes in them. These notes would have been given to a technician or operator such as the technicians in the system of Clark. In the system of Clark when the technician interacts with the ATM, an ATM status report is transmitted to a host computer by the ATM. See column 5, line 65 to column 6, line 9 of Clark. Since the ATM sends an electronic signal, recording the times of receipt of the signals and the identities of the ATMS issuing the respective signals would have been obvious to one of ordinary skill in the art to note since these are typical characteristics found in the transfer of electronic signal. For example, when a fax is transmitted from one machine to another machine, the time and the identity of transfer/receipt of the information being faxed/transferred is usually recorded for tracking and verification purposes. Thus, recording the times of receipt of the signals and the identities of the ATMs issuing the respective signals would have been obvious to one of ordinary skill in the art to do in the system of Clark for tracking and verification purposes.

Clark et al do not explicitly teach ascertaining whether the signals were issued by an ATM within the subset. As per this limitation, it should be noted that the central computer or at least the owner of all the ATMs must store or record the identities of all the ATMs they own in a storage medium of the remote computer so as to acknowledge the status of all their ATMs and also to help them in detecting fraudulent activities in any of the ATMs.

Clark et al do not explicitly state, "if not contacting a law enforcement agency". As per this limitation, the Examiner asserts that since it would not be proper to fight "thieves" who have committed fraudulent activities in an ATM, then contacting a law enforcement agency would have been the proper course of action to take. Ross discloses a similar situation wherein a law enforcement agency is contacted upon the detection of fraudulent activities in an ATM. See column 8, lines 24-26 of Ross. It would have been obvious to one of ordinary skill in the art at the time the invention was made to introduce such a feature in the system of Clark et al. as taught by Ross for safety purposes and also in order to provide a means to capture anyone who is attempted to temper with the ATMs.

If the ATM is recognized and the ATMs have been replenished, then adjusting the estimate of the currency stored with that ATM would have been obvious to one of ordinary skill in the art to do in the combination of Clark et al and Ross for inventory, tracking and accounting purposes.

Appellant argues that the PTO is giving an interpretation to Ross which is contrary to common sense and that no warning signal would be issued when an ATM is being replenished.

In response, the Examiner has applied Ross in the rejection of claim 1, for their teachings of alerting a law enforcement agency in the case of the detection of an abnormal activity in an ATM. Event absent Ross, common sense would dictate to alert or contact a law enforcement agency in the case of an abnormal activity in an ATM. Thus, the appellant's arguments in their created scenarios are neither proper nor convincing.

As per claim 7, appellant argues that in Clark, a person makes the report.

In response, the Examiner disagrees. In the system of Clark, an operator or technician replenishes an ATM. The replenished amount is considered in preparing a report. Moreover, it should also be noted that in both the claimed invention and the system of Clark, the operator does not prepare the report. In the system of Clark as noted specifically on column 6, lines 50-53, "An updated ATM STATUS REPORT based on the input data is sent to the host computer in step 138".

As per claim 9, in the combination of Clark et al and Ross no communications, made by parties performing the replenishment are utilized the report. See column 5, lines 65 to column 6, line 7 and column 6, lines 50-53 of Clark et al. The ATM in communication with the remote computer prepares the report. See columns 5 and 6 of Clark et al.

As per claim 8, appellant indicates that Clark only shows a single ATM whereas their claim recites a group of ATMs.

In response, the fact that Clark et al denotes a single ATM is merely for illustration purposes as in an ATM system, there usually exists a plurality of ATMs. If funds in the ATMs are depleted for any reasons, then replenishing the depleted ATMs would have been imminent. Providing a list of ATMs to be replenished and the amount to be placed in each of these ATMs would have been obvious to do in order to provide a well structured system.

In the system of Clark et al, if funds are taken from any of the ATMs causing the ATMs to be replenished then preparing a report indicating ATMs scheduled for replenishment, ATMs actually replenished and the amount of replenishment for each ATM replenished would have been obvious to one of ordinary skill in the art to do in Clark et al because Clark et al teaches preparing a report both before and after replenishment. See column 5, line 47 to column 6, line 9 and column 6, lines 40-53 of Clark et al. Providing these claimed detailed information in the system of Clark et al would have been obvious to do in order to create a well structured system so that a record of the activities involving each ATM is recorded for tracking and accounting purposes.

As per claim 11, the ATM which is in communication with the remote computer prepares the report. See columns 5 and 6 of Clark et al.

As per claim 5, appellant argues that the combination of Clark et al and Ross does not teach or suggest the claimed limitations.

In response, Ross teaches detecting abnormal activities in an ATM by providing various sensors inside the ATM. See the abstract and column 8, lines 5-26. Clark et al also provide a security means in their ATMs by requiring an operator or a user to use an identification card

when attempting to use the ATM. See column 5, lines 46-60 of Clark et al. Thus, whenever a user is using the system, Clark et al then detect an entry into that ATM and issue an entry signal. Whether funds were appropriately dispensed or illegally taken by forced entries into any one of the ATMs, a replenishment of these ATM is necessary. Thus, providing a scheduling of the replenishment of a group of ATMS during a time period would have been obvious and necessary to do in the combination of Ross and Clark et al in order to continue providing good customer services to patrons of these ATMs. Both Ross and Clark et al teach alerting a remote computer in the case of a need for replenishment. See column 5, line 65 to column 6, line 9 of Clark et al and column 7, line 63 to column 8, line 4 of Ross. Ross teaches consulting a remote station in the case of forced entry or a need for replenishment. See also column 8, lines 5-27 and column 5, lines 49-64 of Ross.

Thus, if any of the ATMs requires a replenishment of funds, then scheduling replenishment of a group of the ATMs during a time period would have been obvious to do by the one of ordinary skill in the art in the combination of Ross and Clark et al in order to reduce the down time of the ATMs. See column 8, lines 1-3 of Ross. Thus, whenever the ATMs are replenished during that time period, designating the corresponding ATMs as having been replenished in currency would have been obvious to do by the one of ordinary skill in the art in the combination of Ross and Clark et al for tracking and accounting purposes.

Furthermore, it should be noted that even absent any teachings from either Clark et al and/or Ross, funds from ATMs are usually taken from users or by forced entries from thieves. Thus, if one or more or a group of ATMs has been depleted with funds, scheduling replenishment of the depleted ATMs would have been obvious to do because customers using

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these ATMs are expected to use these ATMs for performing withdrawal functions. As such these ATMs must be replenished and contained at least sufficient funds to cover at least a day or a period of time. Keeping a record of the amount and time and the personnel depositing the funds and recording or designating the corresponding ATMs as having been replenished would have been obvious to one of ordinary skill in the banking art to do in the combination of Clark et al and Ross for inventory, tracking and accounting purposes

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


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